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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,227	03/29/2004	Robert Eugene Stoddard	AERO-01002US0	3023
21603 7590 09/03/2008 DAVID E. LOVEJOY, REG. NO. 22,748 102 REED RANCH ROAD TIBURON, CA 94920-2025				
EXAMINER LE, NHAN T				
ART UNIT 2618		PAPER NUMBER		
MAIL DATE 09/03/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,227

Applicant(s)

STODDARD ET AL.

Examiner

NHAN T. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-42 is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al (US 20040062298) in view of Henriksson (US 20040037353) further view of Monsen (US 7,088,671).

As to claim 1, McDonough teaches a system including for detecting direct sequence signal where the radio signal has specifications for operating in a communications system comprising, a signal component source (see fig. 3, number 317, paragraphs 0041-0046) for providing signal components including parameters and including a sequence and symbols derived from radio transmissions of the communications system, a signal generator (see fig. 3, number 321, paragraphs 0041-0046) for digitally processing the sequence, the test symbols and test parameters to form an agile test signal. McDonough fails to teach wherein the system is a testing system. Henriksson teaches a testing system for testing a transmitter and receiver part in a transceiver (see fig. 2, number 200, paragraphs 0021-0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Henriksson into the system of McDonough so that the testing system

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can be easily integrated and increase the cost saving. The combination of McDonough and Herinkson fails to teach wherein the system includes the generator and a transmitter for transmitting the test signal to the test. Monsen teaches wherein the system includes the generator and a transmitter for transmitting the test signal to the test (see col. 7, lines 34-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Monsen into the system of McDonough and Heriksson to provide a downlink multiple access communication system with increased channel capacity and improved communication quality.

As to claims 2, 3, the combination of McDonough, Henriksson and Monsen teaches wherein the test system extracts the signal components from the transmission of a transmitting radio for the communications system; wherein the transmitting radio is the test radio (see McDonough paragraph 0041).

As to claim 4, the combination of McDonough, Henriksson and Monsen teaches wherein the transmitting radio is different from the test radio and wherein the test radio has the same specifications as the test radio (see McDonough paragraph 0088).

As to claim 5, the combination of McDonough, Henriksson and Monsen teaches wherein the component source includes a memory for storing digital values of the signal components (see McDonough fig. 7, number 730, paragraph 0088).

As to claims 10, 11, the combination of McDonough, Henriksson and Monsen teaches where the test radio is monitored to determine performance in

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response to the agile test signal; where the test signal is transmitted by a transmit antenna to a receive antenna of the test radio (see McDonough fig. 7, number 705, paragraph 0088).

2. Claims 6-9, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al (US 20040062298) in view of Henriksson (US 20040037353), Monsen (US 7,088,671) further in view of Taki et al (US 20040070490).

As to claims 6, 7, the combination of McDonough, Henriksson and Monsen fails to teach wherein the test sequence is a hopping sequence and the test radio is a frequency hopping radio; wherein signal hop frequencies and message symbols are extracted from the transmission of a transmitting radio for the communications system. Taki teaches wherein the test sequence is a hopping sequence and the test radio is a frequency hopping radio (see fig. 3, paragraphs 0076-0077, 0084-0086); wherein signal hop frequencies and message symbols are extracted from the transmission of a transmitting radio for the communications system (see fig. 3, paragraphs 0076-0077, 0084-0086). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Taki into the system of McDonough, Henriksson and Monsen in order to obtain the original information signal.

As to claims 8, 9, the combination of McDonough, Henriksson, Monsen and Taki teaches where the test signal is generated as an analog signal with a digital to analog converter (see Taki fig. 3, number 30, paragraphs 0076-0077,

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0084-0086); where the analog signal is up-converted to a higher frequency for transmission to the test radio (see Taki fig. 3, number 30, paragraphs 0076-0077, 0084-0086).

As to claim 12, the combination of McDonough, Henriksson, Monsen and Taki teaches where the test signal is transmitted by a transmit wired connection to a receive wired connection of the test radio (see McDonough paragraph 0041-0046).

As to claims 13, 14, the combination of McDonough, Henriksson, Monsen and Taki teaches where interference signals are added to the test signal; where noise is added to the test signal (see McDonough paragraphs 0088).

As to claim 15, the combination of McDonough, Henriksson, Monsen and Taki teaches where a signal amplitude of the test signal is faded (see Taki paragraph 0086).

Allowable Subject Matter

3. Claims 16-42 are allowed for the reason as stated in the applicant's remarks on page 14, filed 06/27/07.

Response to Arguments

4. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nhan T Le/
Patent Examiner, Art Unit 2618
Nhan Le